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**Counsel for Plaintiff**

IN THE UNITED STATES DISTRICT COURT

FOR THE STATE OF ARIZONA

MARTHA CASTILLO,

Plaintiff,

v.

WELLS FARGO BANK, Inc.,  
a California corporation,

Defendant.

COMPLAINT

(Jury Trial Demanded)

Plaintiffs allege:

I. JURISDICTION

1. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5 (f)(3).

II. VENUE

2. Venue is proper in this court because defendant engaged in unlawful conduct within the state of Arizona.

III. PARTIES

3. Plaintiff is a citizen of the United States and resident of the State of Arizona living in Vail, Arizona which is located in Pima County where she has been employed with defendant.

4. Defendant Wells Fargo Bank, National Association. Inc., is a California corporation doing business throughout the State of Arizona including Pima County, Arizona as Wells Fargo Bank; defendant's operations include a Banking Branch in Green Valley, Arizona.

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IV. GENERAL ALLEGATIONS

5. Plaintiff is Hispanic, a bilingual Spanish-English speaker and employed with defendant.

6. While employed with defendant at the Green Valley Branch, all tasks assigned to plaintiff were performed by her in a competent manner.

7. While employed with defendant at the Green Valley Branch, plaintiff has complained of discriminatory treatment, including discipline for speaking Spanish at work during business hours while performing her assigned tasks with Spanish-Speaking customers.

8. Defendant's Green Valley Branch is located in an area that is populated by Hispanic Spanish-Speaking Clienteles who routinely do business and have accounts at the Branch.

9. In spite of plaintiff's competent performance at the Green Valley Branch, plaintiff's employment has been subjected to unwarranted scrutiny and criticism.

10. While employed with defendant at the Green Valley Branch, plaintiff has been subjected to derogatory comments by co-employees and site managers.

11. While employed with defendant at the Green Valley Branch, plaintiff has been subjected to less favorable treatment than non-Hispanic co-employee's in a number of ways including being denied scheduled day's off, accused of misconduct and treated with disfavor.

12. While employed with defendant at the Green Valley Branch, plaintiff has been subjected to less favorable co-employee's who have not reported or complained of discrimination by being subjected to such treatment in a number of different ways including denial of scheduled day's off, accused of misconduct and treated with disfavor.

13. While employed with defendant at the Green Valley Branch, plaintiff

1 has been subjected to a pattern of adverse and/or negative treatment that has  
2 created a hostile work environment for her.

3 14. While employed with defendant at the Green Valley Branch, plaintiff  
4 repeatedly reported the discriminatory and retaliatory conduct she was being  
5 subjected to by defendant's managers and employee to defendant's human  
6 resources personnel; no investigation or remedial action occurred.

7 15. At all times relevant to this lawsuit, plaintiff was an employee of  
8 defendant within the meaning of 42 U.S.C. § 2000e(f).

9 16. At all times relevant to this lawsuit, defendant was an employer within  
10 the meaning of 42 U.S.C. § 2000e(b).

11 17. At all times relevant to this lawsuit, defendant was an employer with a  
12 workforce in excess of 1,000 employees within the meaning and provisions of 42  
13 U.S.C. § 1981a.

14 18. Plaintiff filed administrative Charges of Discrimination with the Civil  
15 Rights Division of the Arizona Attorney General's Office (ACRD) and the United  
16 States Equal Employment Opportunity Commission (EEOC), EEOC Charge No.  
17 35A-2007-00428.

18 19. Plaintiff's charge of discrimination was served on defendant, who with  
19 notice of plaintiff's claims had the opportunity to respond and to resolve plaintiff's  
20 claims of discrimination.

21 20. The EEOC issued plaintiff a Notice of Right to Sue dated September  
22 22, 2008 which was received by plaintiff thereafter by delivery from the United  
23 States Postal Service.

24 21. Plaintiff has complied with all jurisdictional prerequisites for the timely  
25 filing of this complaint.

26 COUNT ONE

27 EMPLOYMENT DISCRIMINATION: 42 U.S.C. § 2000e-2

28 22. Plaintiff hereby re-alleges and incorporates all allegations contained in

1 paragraphs 1 through 21 as if fully set forth herein.

2 23. Defendant's actions against plaintiffs constitute a violation of Title VII  
3 of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-2.

4 24. As a direct and proximate result of the conduct of defendant, plaintiff  
5 has suffered injury including but not limited to economic loss, emotional distress,  
6 humiliation, indignation, embarrassment, loss of enjoyment of life and deprivation  
7 of his right to equal employment opportunities.

8 COUNT TWO

9 EMPLOYMENT DISCRIMINATION: RACE; 42 U.S.C. § 1981

10 25. Plaintiff hereby re-alleges and incorporates all allegations contained in  
11 paragraphs 1 through 24 as if fully set forth herein.

12 26. Defendant's actions against plaintiff constitute violations of 42 U.S.C. §  
13 1981.

14 27. As a direct and proximate result of the conduct of defendant, plaintiff  
15 has suffered injury including but not limited to economic loss, emotional distress,  
16 humiliation, indignation, embarrassment, loss of enjoyment of life and deprivation  
17 of his right to equal employment opportunities.

18 COUNT THREE

19 EMPLOYMENT DISCRIMINATION: RETALIATION

20 28. Plaintiffs hereby re-alleges and incorporates all allegations contained  
21 in paragraphs 1 through 27 as if fully set forth herein.

22 29. Defendant's actions against plaintiffs constitute violations of a violation  
23 of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e-3 and 42 U.S.C. §  
24 1981.

25 30. As a direct and proximate result of the conduct of defendant, plaintiff  
26 has suffered injury including but not limited to economic loss, emotional distress,  
27 mental anguish, humiliation, indignation and embarrassment, loss of enjoyment of  
28 life and deprivation of his right to equal employment opportunities.

COUNT FOUR

EMPLOYMENT DISCRIMINATION: HOSTILE WORK ENVIRONMENT

31. Plaintiffs hereby re-alleges and incorporates all allegations contained in paragraphs 1 through 30 as if fully set forth herein.

32. Defendant's actions against plaintiffs constitute violations of a violation of Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e and 42 U.S.C. § 1981.

33. As a direct and proximate result of the conduct of defendant, plaintiff has suffered injury including but not limited to economic loss, emotional distress, mental anguish, humiliation, indignation and embarrassment, loss of enjoyment of life and deprivation of his right to equal employment opportunities.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray:

1. That the court declare defendant's actions complained of herein to be in violation of 42 U.S.C. §§ 2000e-2 & 3, and 42 U.S.C. § 1981.

2. That defendant be ordered to take appropriate affirmative acts to insure that the actions complained of herein are not engaged in again by defendant or any agents thereof and to place plaintiffs in the position they would currently enjoy but for defendant's unlawful discriminatory conduct.

3. That defendant, including all officers, directors, agents, employees and successors thereof, be permanently enjoined from discriminating or retaliating against any person in violation of 42 U.S.C. § 2000e-2 & 3, and 42 U.S.C. § 1981.

4. That actual damages be awarded to plaintiff and against defendant;

5. That compensatory damages be awarded to plaintiff and against defendant;

6. That punitive be awarded to plaintiff and against defendant;

7. That plaintiff be awarded her attorney's fees;

8. That plaintiff be awarded her costs; and

9. That plaintiff be awarded all other relief that the court deems just and

proper under the circumstances.

JURY TRIAL DEMAND

Pursuant to Rule 38, FRCP, a trial by jury is demanded.

DATED this 12<sup>th</sup> day of December 2008.

s/Richard M. Martinez, Esq.  
RICHARD M. MARTINEZ, ESQ.  
Counsel for Plaintiff